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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,734

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Andrea Finke-Anlauff

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,734

Applicant(s)

FINKE-ANLAUFF, ANDREA

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,11,14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,11,14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 01/28/04 (entered into the file wrapper as Paper No. 5). It is noted Applicant that claim 15 is considerably cancelled because (i.) it depends on the cancelled claim 13, and (ii.) as indicated by Applicant on page 5, first paragraph, claim 15 is cancelled. Accordingly, claims 1-4, 7, 11, 14, 16 and 17 are currently pending in the application. An action follows below:

Claim Objections

2. Claims 1 and 7 are objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, the following changes should be made:

(i). claim 1, line 8, "device" should be changed to --device, --, because the panel having a screen on its upper surface, rather than the body of the electronic device; and line 19, "surface" should be changed to --face--, because the display faces the upper face of the body (see claim 1, line 3), rather than the upper surface of the panel (see claim 1, line 8).

(ii). claim 7, "said electronic device further comprises a communication keypad", line 5, should be changed to --said keypad is a communication keypad --, because there is only one keypad (7) disclosed in the original disclosure (see fig. 1), and recited in independent claim 1 (see last 2 lines of claim 1).

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over England (USPN: 6,483,445 B1) and further in view of Kumar et al. (USPN: 5,548,478), hereinafter Kumar.

Regarding to claims 1 and 16, England discloses an electronic device (10) (as shown in fig. 5, col. 2, line 47) comprising a body (a base portion 32, fig. 5), a text keyboard (a keyboard 24, fig. 5) for use with a first application, such as to enter alphanumeric input, a panel (a display portion 30) connected to the body (32), having a screen (as shown in fig. 5) and slidably mounted above the keyboard (24), for movement between a first position (a first position when the device is in the "read mode", see col. 2, lines 7-10) and a second position (a second position when the device is in the "I/O mode", see col. 2, lines 10-14, and col. 1, lines 40-44), and two side decks (edges 44, col. 2, lines 49-53), one of side decks having a keypad, which includes a plurality of buttons (22), for use with the second application, such as to enter input for scrolling through data (fig. 5, col. 1, lines 14-16, col. 2, lines 16-18). Further, as noting at col. 2, lines 49-54, England further teaches the panel (30) connected to the body (32) by means of rollers or ball bearings to allow the free movement of the panel (30). Accordingly, the England reference discloses all the claimed limitations except for the features, "said panel connected to said body by means which allow said panel to be pivoted, when in the second position, in a full range of motion that enables said panel to be reversed so that said display faces said upper face for

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protection”, of claim 1, lines 15-19, and “the panel is connected to the body by means of pins which are supported by an intermediate sledge element for rotation, and said sledge element in turn being mounted on the body for sliding motion thereon”, of claim 16, lines 2-5.

However, Kumar expressly teaches a related portable electronic device (10) (see fig. 12) comprising a panel (a cover 12) connected to a body (a base 11) by means including pins (pivot pins (54A, 54B), see fig. 20), which are supported by an intermediate sledge element (a roller 40, see fig. 20) for rotation, and a sledge element (40) in turn being mounted on the body (11) for sliding motion thereon. Kumar further teaches that pins (54A, 54B) and a sledge element (40) allow the panel (12) to be pivoted, when in the second position (fig. 14), in a full range of motion that enables said panel to be reversed so that said display faces said upper face for protection. See figs. 14-17. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide means including the pins (54A, 54B) and a sledge element (40), in the England device, in view of the teaching in the Kumar reference because this would allow the panel (cover) to be selectively movable with respect to the body (base) between closed and opened positions, and to be fully inverted on the body (base), either for a display protection or for a display use only, as taught by Kumar (col. 1, lines 9-15).

Regarding to claims 2-4 as applied to claim 1 above, as noting in fig. 5, the England reference expressly discloses the features additionally recited in these claims.

Regarding to claim 7, as discussed in the rejection to claim 1 above, England discloses a text keyboard (a keyboard 24, fig. 5) for use with a first application, such as to enter alphanumerical input, i.e., text processing, and a keypad, which includes a plurality of buttons (22), for use with the second application, such as to enter input for scrolling through data (fig. 5,

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col. 1, lines 14-16, col. 2, lines 16-18). Further, England teaches that the device further comprises a transmitter for communicating signals to a cellular telephone (col. 3, lines 22-27). This implies that a communication keypad must be inherently included in the England device in order to allow the user to enter a telephone number of a cellular telephone, and the second application includes mobile communications. Furthermore, as discussed above, England discloses a keypad constructed on one of the side decks (fig. 5). Accordingly, the combination of the England and Kumar references discloses all the claimed limitations of claim 7.

Regarding to claim 17 as applied to claim 1 above, as noting at col. 3, lines 26-28, England further teaches that the device further comprising an inherent video camera for capturing one or more images. Accordingly, the combination of the England and Kumar references discloses all the claimed limitations of claim 17, except for the location of the camera. However, at the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to locate the England camera on one of side decks, since a such modification would have involved a mere change in the location of a component. Applicant has not disclosed that the location of the camera solves any stated problem, provides an advantage or is used for any particular purpose. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the camera mounted anywhere, such as in the body or in the panel, because the camera ability to perform its function of capturing images is not effected by the location of the camera. Further, a change in location is generally recognized as being within the level of ordinary skill in the art, see **In re Japikse, 86 USPQ 70 (CCPA 1950)**. Therefore, it would have been obvious to a person of ordinary skill in this art to obtain the invention as specified in claim 17.

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5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Kumar, as applied to claim 7 above, and further in view of Gambaro (USPN: 5,332,322).

Regarding to claim 11, as discussed in the rejection above, England discloses the communication keypad comprising a plurality of keys (22) arranged in a zigzag pattern (fig. 5 and col. 2, lines 16-17). England does not expressly teach the keys arranged in a circular pattern. Accordingly, England discloses all the claimed limitations except that keys are arranged in a circular pattern.

However, as noting in fig. 3, Gambaro discloses a related electronic device (20) comprising a communication keypad (a keyboard 22) including a plurality of keys (60, 62, 70, 72, 120, 122) arranged in a circular pattern, so as to allow the user to selectively actuate any of these keys with a single thumb with a small amount of movement of the user's thumb. See col. 6, lines 57-68. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to arrange the England keys in the circular pattern, in view of the teaching in the Gambaro reference, because this would allow the user to selectively actuate any of these keys with a single thumb with a small amount of movement of the user's thumb, as taught by Gambaro.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Kumar, as applied to claim 7 above, and further in view of Lichtenberg (USPN: 5,336,001).

Regarding to this claim, England discloses all the claimed limitations except that England does not expressly teach the keypad arranged at a 45° angle. However, Lichtenberg expressly teaches the communications keypad arranged at an angle between 5° to 70° in order to provide the user a maximum comfort and efficiency (fig. 4, col. 1, lines 5-8 and col. 6, lines 15-30). It

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would have been obvious to a person of ordinary skill in the art at the time of the invention was made to arrange the Lichtenberg keypad arranged at an angle between 5° to 70°, in view of the teaching in the Lichtenberg reference because this would provide order to provide the user a maximum comfort and efficiency. Therefore, it would have been obvious to combine Lichtenberg with England to obtain the invention defined in this claim.

Response to Arguments

7. It is noted Applicant that the claim objection and the rejection under 35 USC 112, in the last Office Action dated 11/13/2003, are hereby withdrawn in view of the amendment filed 1/28/04.

8. Applicant's arguments with respect to the rejection under 35 USC 102(e) and 35 USC 103(a), have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JHN
March 30, 2004


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600